

## ABSTRACT

TRANSPORT, ROADS & BUILDINGS (O.P.I) DEPARTMENT

**Dated:21/01/2010**

**Read the following:-**

- 1) G.O. Ms. No. 401 Finance & Planning (FW.A&L) Department, Dated: 14/11/1980.
- 2) G.O. Ms. No. 388, Finance & Planning (FW.A&L) Department, Dated: 27/11/1993.
- 3) G.O. Ms. No. 167, Finance & Planning (FW.A&L) Department, Dated: 4/10/1999.
- 4) G.O. Ms. No. 154, Finance & Planning (FW.A&L) Department, Dated: 9/1/2000.
- 5) Circular Memo. No. 25322/177/A&L/04, Dated: 16/11/2004 of Finance Department.
- 6) G.O. Ms. No. 17, I&CAD(IW.OP) Department, Dated: 5/2/1996.
- 7) G.O. Rt.No. 233, TR&B (OP.I) Department, Dated: 27/3/2004.
- 8) Government Letter No. 12267/O.P.I/2008, Dated: 6/11/2008.
- 9) From the Accountant General (A&E), A.P., Hyderabad, Letter No. N-847/FP.10/2008-11/407, Dated: 26/12/2008.
- 10) From the A.P.A.T., Hyderabad, orders Dated: 7/10/2009 in O.A. No. 8935/2009, filed by Smt. Ch. Madhavi Devi, w/o late Sri A. Nagendra Prasad.
- 11) Government Letter No. 12267/ O.P.I/2008, Dated: 4/11/2009.
- 12) O.O. Rt. No. 399, TR&B (OP.I) Department, Dated: 2/11/2009.
- 13) From Smt. Ch. Madhavi Devi, w/o late Sri A. Nagendra Prasad, application Dated: 7/11/2009.

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**ORDER:**

Sri A. Nagendra Prasad, Assistant Section Officer, TR&B Department, expired on 12-2-2008 due to cancer. Smt. Ch. Madhavi Devi, w/o the deceased employee has furnished a Family Member Certificate issued by the Tahsildar, Uppal Mandal on 13/3/2008 and claimed that she is the natural legal heir and is entitled for all the financial benefits from the Government, since they do not have any children.

2. In the meanwhile, Smt. A. Padmavathi, mother of late Sri A. Nagendra Prasad got issued a legal notice having objection on the issuance of family member certificate in favour of Smt. Ch. Madhavi Devi as sole successor in interest/ legal heir of the deceased employee without disclosing her (mother) name as co-legal heir as though, she (wife) is sole legal heir. Smt. A. Padmavathi has also filed W.P.No. 10684/2008, for adjudication of the matter. The Hon`ble High Court, disposed of the said W.P., on 8/7/2008, with the following direction :

“The Family Member Certificate dated 19/3/2008 issued by the 2<sup>nd</sup> respondent-Tahsildar, is applicable only to the extent of payment of pension to the 3<sup>rd</sup> respondent, and the said certificate shall not be made applicable to the claim of other monetary benefits, payable to the deceased government employee. In what ratio the petitioner and the 3<sup>rd</sup> respondent are entitled to the monetary benefits payable to the deceased government employee, has to be considered and decided by the 1<sup>st</sup> respondent, as per law and the relevant Rules governing thereof. Based on the decision, the 1<sup>st</sup> respondent shall release the monetary benefits, to the extent the petitioner and the 3<sup>rd</sup> respondent are eligible”

3. Smt. Ch. Madhavi Devi, w/o A. Nagendra Prasad has furnished family pension proposals on 29/9/2008 and the same were forwarded to the A.G.A.P., vide reference 8<sup>th</sup> read above, duly indicating the pendency of an amount of Rs..1,49,752/- under House Building Advance and Motor Cycle Advance sanctioned to the deceased employee. The A.G.A.P. vide reference 9<sup>th</sup> read above, among others, has requested to intimate the mode of recovery for the balance amount for taking necessary action by his office.

4. In the meanwhile, Smt. Ch. Madhavi Devi, w/o late A. Nagendra Prasad has filed O.A.No. 8935/2009 in the APAT requesting for a direction to the Respondents to pay the family pension and other benefits to her. In pursuance of the orders of the A.P. High Court at para 2 above and the orders of A.P.A.T. in the reference 10<sup>th</sup> read above, the matter has been examined with reference to Rule 50(12)(6) of A.P. Revised Pension Rules, 1980 read with Rule 46 and 47 thereof and it has been decided to release the other monetary benefits also to Smt. Ch. Madhavi Devi, w/o late Sri A. Nagendra Prasad, besides family pension, as she is the sole family member entitled for the terminal benefits of the deceased employee.

5. Accordingly, necessary clarifications to the queries/ objections raised by the A.G.A.P., Hyderabad, were sent in the reference 11<sup>th</sup> read above requesting the Accountant General, A.P., Hyderabad to withheld an amount of Rs.1,29,305/- towards part payment of the outstanding dues from the deceased employee in respect of HBA and MCA sanctioned to him and it was decided to withheld the balance of the above amount from the amount sanctioned towards encashment of earned leave of the deceased A.S.O., separately in the reference 12<sup>th</sup> read above.

6. In her representation 13<sup>th</sup> read above, Smt. Ch. Madhavi Devi has requested to write-off the outstanding amounts against HBA and MCA sanctioned to her late husband and to release the DCRG etc. in full, in terms of the orders issued in the references 1<sup>st</sup> to 5<sup>th</sup> read above.

7. Government have observed that an amount of Rs.1,25,000/- was sanctioned to Sri A. Nagendra Prasad by Government vide reference 6<sup>th</sup> read above towards House Building Advance. An amount of Rs. 25,000/- was also sanctioned to him vide reference 7<sup>th</sup> read above towards Motor Cycle Advance. As on the date of his death on 12/2/2008, an amount of Rs.1,49,752/- is outstanding towards Principal and Interest thereon (HBA principal amount Rs.47,815/- + Rs. 85,000/- interest on HBA and Rs. 10,608 Motor Cycle Advance Principal + Interest Rs. 6329/-). After careful examination of the representation of Smt. Ch. Madhavi Devi, wife of late Sri A. Nagendra Prasad, Government decided to write-off the entire amount of Rs.1,49,752/-.

8. Accordingly, Government hereby order waiver of recovery of the entire amount of Rs.1,49,752/- (Rupees one lakh forty-nine thousand seven hundred and fifty two only) being the outstanding amount against the House Building Advance and Motor Cycle Advance sanctioned to late Sri A. Nagendra Prasad, Assistant Section Officer, TR&B Department, who expired on 12/2/2008 in terms of the orders issued in the references 1<sup>st</sup> to 5<sup>th</sup> read above.

9. The Accountant General (A&E), Andhra Pradesh, Hyderabad/ TR&B (OP.II) Department are requested to take immediate necessary action to release the terminal benefits in full to Smt. Ch. Madhavi Devi, wife of the deceased Government Servant.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. RATNA PRABHA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Accountant General, A.P., Hyderabad.  
TR&B (OP.II/ Claims) Department.  
Smt. Ch. Madhavi Devi, w/o late A. Nagendra Prasad,  
H.No. 1-9-328/1, Flat No. 101, Neeraja Apartments, Vidyanagar, Hyderabad.  
Copy to:  
The Government Pleader for TR&B, A.P.A.T., Hyderabad.  
The Deputy Pay & Accounts Officer, Secretariat Branch, Hyderabad.  
Finance (Pen.II) Department.  
Finance (A&L) Department.  
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//FORWARDED::BY ORDER//

SECTION OFFICER